

### **REMARKS**

In the subject Final Office Actions, claims 1-17 were rejected. Claims 1, 3, 5-7, 9, and 12-17 have been amended. Claims 2, 4, 8, 10, and 11 have been cancelled herein without prejudice. No new matter has been introduced. Claims 1, 3, 5-7, 9, and 12-17 are now pending. Reconsideration of the application is respectfully requested.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

In the Office Action, claims 1-17 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,788,928 (hereinafter “Kohinata”) in view of U.S. Patent No. 6,957,337 (hereinafter “Chainer”).

Claims 2, 4, 8, 10, and 11 have been cancelled herein, which renders the rejections to these claims moot.

Notwithstanding Applicants’ respectfully disagreement with the reading of the claims and the references by the Examiner, in order to obtain early allowance, Applicants have amended independent claim 1 and part of the amendments are incorporated from original claim 4 which has been cancelled herein.

As amended, claim 1 currently recites “a wireless mobile phone comprising: ... a reader coupled to the processor, and configured to read a reference heart beat profile of the user from an identity card of the user, wherein the identity card is external to, and not part of the wireless mobile phone...”

When read as a whole as required by law, amended claim 1 is directed to a wireless mobile phone which is configured to authenticate a user, by comparing a heart beat profile of the user, captured by sensors of the phone, with a reference heart beat profile read by a reader of the phone, from an identity card of the user, that is external to and not part of the phone.

Thus, the claimed mobile phone (and the corresponding method) provides a novel approach to control the usage of the phone itself, in particular, control by a party other than a user who may be responsible for the usage of the phone, when the party has control over the identity card of the user.

An exemplary scenario may be that a company may issue an employee identity card storing biometric data, such as the heart beat profile of the corresponding employee. And the company may also provide a mobile phone for use by the employee. With the mobile phone of claim 1 (and the corresponding method), the company may be able to ensure the phone is used by its employee only.

In the rejection to original claim 4, the Examiner admitted that Kohinata fails to teach the feature of claim 4, and cited col. 4 lines 3-34 of Chainer to cure the deficiency of Kohinata.

Chainer discloses a device using biometric data to authenticate users without sharing such confidential data with any requesting parties. The cited portion of Chainer simply discloses that such a device can be defined as a “smart card” in Chainer,<sup>1</sup> but does not teach or suggest a mobile phone having a “reader ... configured to read a reference heart beat profile of the user from an identity card of the user, wherein the identity card is external to, and not part of the wireless mobile phone...” as recited in amended claim 1.

In Figure 1 of Chainer, a reader (which is external to the smart card device) 152 is shown. According to co.4, lines 65 to col. 5, lines 1-2 of Chainer, “...external control apparatus may be linked to a world wide network such as the World-Wide-Web or Internet, or to a local area network (LAN) through a reader 152. The reader 152 may be connected to an authentication server 154...” Such a reader 152 is for network connection and cannot be read as having taught or suggested the “reader” recited in amended claim 1.

Accordingly, Applicants submit that the references do not teach or suggest the recitation of “a reader ... configured to read a reference heart beat profile of the user from an identity card of the user, wherein the identity card is external to, and not part of the wireless mobile phone...” as recited in amended claim 1. It follows then the references also fail to teach or suggest the recitation of “operating logic configured ... to receive the real time captured heart beat profile of the user, to authenticate the user by comparing the real time captured heart beat profile with the reference heart beat profile ...” (where the captured heart

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<sup>1</sup>In col. 4, lines 4-19 of Chainer, it is recited that “...a smart card can be authenticated but cannot be duplicated, and the authentication may have no access to some of the information stored in the smart card...” and “... any

beat profile is captured in real time using sensors of the phone) as recited in amended claim 1.

Accordingly, it is submitted that the combination of Kohinata and Chainer fails to establish a *prima facie* case of obviousness of amended claim 1.

It is also submitted that there would have been no suggestion for those of ordinary skills in the art to incorporate a reader to the mobile phone in Kohinata to read data out from the smart card device in Chainer. This is because the purpose of Chainer is to keep the user's biometric data confidential within the smart card device. Chainer specifically teaches that a password or a key, internally generated within the smart card device based on the biometric data, is provided instead.

Accordingly, due to at least above stated reasons, amended claim 1 is patentable over the cited references

Independent claims 7, 12 and 15 have been amended to recite similar recitations to that of claim 1, and are therefore patentable over the cited references for at least the same reasons.

Claims 3, 5, 6, 9, 13, 14, and 16-17 depend from claims 1, 7, 12 or 15, respectively, and incorporate the recitations of their base claims. Therefore, these claims are also patentable over the cited references for at least the same reasons stated above.

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electronic component with these properties and with some memory and/or some processing capabilities will be called 'a smart card'..."

### CONCLUSION

In view of the foregoing, reconsideration and allowance of the remaining pending claims are solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 381-8819. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 500393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

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by: /Al AuYeung/  
Al AuYeung  
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